

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

NATHANIEL WILLIAM HAKE,	:	Case No: 3:17-cv-00141
	:	
Debtor/ Appellant,	:	Judge Thomas M. Rose
vs.	:	
	:	
NOBLE OPPORTUNITY FUND,	:	
II, LP,	:	
	:	
Creditor/ Appellee.	:	

ORDER DISMISSING APPEAL

This bankruptcy appeal is before the Court on the Motion To Dismiss (Doc. 3) and Supplemental Memorandum in support of that Motion (Doc. 5) filed by the Appellee Noble Opportunity Fund, II LP (“Noble”). Appellant Nathaniel William Hake (“Appellant”) has not filed any response to the Motion to Dismiss and Supplemental Memorandum, and the time for him to do so has expired. Accordingly, the Motion to Dismiss is ripe for the Court’s review.

Upon review of the record in this case, the Court finds as follows:

1. On April 19, 2017, Judge Guy R. Humphrey of the United States Bankruptcy Court For The Southern District of Ohio, Western Division at Dayton, dismissed the Appellant's, Nathan William Hake, Chapter 12 filed as Case No. 17-31079 after a hearing held in that Court on April 18, 2017. (Doc. 44 in Case No. 17-31079.)
2. On April 20, 2017, Appellant filed a pro se Notice of Appeal and Statement of Election. (Doc. 49 in Case No. 17-31079.)

3. On May 8, 2017, Appellant filed his Statement of Issues on Appeal (Doc. 57 in Case No. 17-31079) and Items To Be Included In the Record on Appeal. (Doc. 58 in Case No. 17-31079.)

4. Appellant did not order a transcript of the aforementioned April 18, 2017 hearing; nor did Appellant file a copy of that order with the bankruptcy clerk as required by Bankruptcy Appellate Rule 8009.

5. On May 19, 2017, Noble filed its Designation of Contents For Inclusion In The Record of Appeal. (Doc. 60 in Case No. 17-31079.)

6. On June 9, 2017, the Bankruptcy Court Clerk filed a Certification of Record on Appeal in this Court and this Court established the briefing schedule for this appeal with the Appellant's Brief being due by June 23, 2017. (Doc. 2.)

7. On June 15, 2017, Noble filed a Motion To Dismiss this appeal for the reason that the Appellant had failed to request the preparation of the transcript of the aforementioned Bankruptcy Court hearing.

8. The Appellant has neither filed his brief; nor requested an extension of time in which to do so.

9. On July 3, 2017, Noble, with leave of this Court, filed a Supplemental Memorandum in support of its Motion To Dismiss based on the Appellant's failure to file his brief. (Doc. 5.)

10. The Appellant has failed to respond to Noble's Motion. Nor has the Appellant sought an extension of time in which to do so.

Based on the foregoing factual findings, the Court concludes that the Appellant has failed to prosecute his appeal in accordance with the United States Bankruptcy Appellate Rules and the deadlines established by this Court.

IT IS THEREFORE ORDERED that Noble's Motion to Dismiss (Doc. 5) is **GRANTED** and this Appeal is hereby **DISMISSED**.

DONE and ORDERED in Dayton, Ohio, this Wednesday, August 2, 2017.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE